

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SINAI FEARON,

Petitioner,

-against-

A. MONTAGARI,

Respondent.

1:23-CV-2557 (LTS)

TRANSFER ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Petitioner Sinai Fearon, currently incarcerated in the Mohawk Correctional Facility, filed this *pro se* petition for a writ of *habeas corpus* under 28 U.S.C. § 2254, challenging his conviction in the New York Supreme Court, Queens County. Because Petitioner was convicted and sentenced in Queens County, which is located in the Eastern District of New York, *see* 28 U.S.C. § 112(c), the Court transfers this action, under Local Civil Rule 83.3, to the United States District Court for the Eastern District of New York.

The Court directs the Clerk of Court to transfer this action to the United States District Court for the Eastern District of New York. Whether Petitioner should be permitted to proceed further without payment of fees is a determination to be made by the transferee court. This order closes this action in this court.

Because Petitioner has not at this time made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue under 28 U.S.C. § 2253.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an

appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: April 4, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge